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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKASHI IMAI, YUJI OKAMOTO, KAORU ISHIKURA,
SHUHI FUJII, NOBUYUKI UEDA, and KENJI TAKAHASHI

Appeal 2010-00007
Application 10/603,721
Technology Center 2100

Before JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL¹

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4 and 6-18. Claim 5 has been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).²

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

The Invention

The disclosed invention relates generally to a display apparatus in an electronic apparatus capable of performing a plurality of jobs (Spec. 1).

Independent claim 1 is illustrative:

1. A user interfacing display apparatus for use in an electronic apparatus including (i) detail setting key for detecting what a user selects, and for performing detail setting of a job as to what a user selects, and (ii) control means, capable of performing a plurality of jobs respectively in accordance with desired detail settings, for suspending a job that is being processed or a job that is standing by and performing another job, in accordance with an interruption instruction, the user interfacing display apparatus comprising:

an interruption key for detecting the interruption instruction, and transmitting the interruption instruction to the control means, the interruption key being capable of changing a display state thereof;

a display section for displaying the desired detail settings; and

display control means for (iii) popping up, when the detail setting key that is associated with one of the detail settings of one of the plurality of jobs is selected, a detail item of that one of the detail settings on the display section, and (iv) changing the display state of the interruption key, as a result of said selecting of said detail setting key, while keeping the interruption key displayed on the display section.

² Appellants waived appearance at an oral hearing scheduled for this appeal on October 13, 2010. See Communication filed June 2, 2010.

The References

The Examiner relies upon the following references as evidence in support of the rejections:

Tezuka	US 5,845,078	Dec. 1, 1998
Beaudet	US 2002/0048035 A1	Apr. 25, 2002
Hirayama	US 2002/0050996 A1	May 2, 2002
Sadakuni	US 6,385,412 B1	May 7, 2002
Sato	JPO 403-175065	Jul. 30, 1991

The Rejections

1. The Examiner rejects claims 1-4, 6, 9, 12-14, and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Beaudet and Tezuka.
2. The Examiner rejects claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Beaudet, Tezuka, and Sato.
3. The Examiner rejects claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Beaudet, Tezuka, and Hirayama.
4. The Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Beaudet, Tezuka, and Sadakuni.

ISSUE

Appellant argues that the combination of Beaudet and Tezuka fails to disclose or suggest that “the display state is changed while the ‘interruption key’ is kept displayed on the display section” and that “Beaudet also does not change state in response to election of a detail setting key for one of plural jobs” (App. Br. 9).

Thus, the issue before us is:

Did the Examiner err in finding that the combination of Beaudet and Tezuka discloses or suggests a detail item popping up, when the detail setting key is selected, and changing the display state of the interruption key as a result of the selecting of the detail setting key while keeping the interruption key displayed on the display section?

FINDINGS OF FACT

The following Findings of Facts (FF) are shown by a preponderance of the evidence.

1. Beaudet discloses that a “screen display indicates the current status of the job being printed” and also “additional soft keys are indicated as being available to allow the current print job to be interrupted . . .” (¶ [0041]).
2. Beaudet discloses “[i]n lieu of waiting for the current printer job to be over before the copier/printer is returned to its copier mode, a print job may be interrupted by pressing the ‘interrupt print job’ soft key . . .” (¶ [0042], Fig. 4D).
3. Beaudet discloses that “[w]hen a copy job setup soft key is pressed, . . . a time period . . . is initiated to allow the operator time to enter parameters for this copy job and to start a scanning operation for scanning the document sheets . . .” (¶ [0041]).

4. Tezuka discloses “creating bit maps employed for the user buttons” (col. 64, l. 50) in which “for each button, there are necessitated five bit maps” (col. 64, ll. 53-54) based on “[t]he classification of five states” (col. 64, l. 54) of the buttons. Also, “[e]ach button is set to one of these five states in any situation” (col. 65, ll. 20-21).

PRINCIPLES OF LAW

Obviousness

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

ANALYSIS

As described above, Beaudet discloses displaying an interrupt key as well as various other soft keys (FF 1-3). Selection of any of the soft keys of Beaudet results in a corresponding display (e.g., selection of the copy job setup soft key results in the display of a window that allows a user to set up copying parameters (§ [0041])). We agree with the Examiner that Beaudet

fails to disclose or suggest both popping up a detail item and keeping the interruption key displayed on the display responsive to selecting a detail setting key since, in Beaudet, an interrupt key is displayed (e.g., Fig. 4D) but is no longer present when any other option is selected.

However, we disagree with the Examiner that Tezuka discloses or suggests this feature that is missing from Beaudet. While Tezuka discloses different states that exist for bit map buttons (FF 4), we do not find, and the Examiner has not demonstrated, that any bit map button is kept on a display when a detail setting key (or any particular key) is selected, much less in a changed display state.

Claims 16 and 17 recite similar features as claim 1.

Accordingly, we conclude that the Examiner erred in rejecting independent claims 1, 16, and 17, and dependent claims 2-4, 6-15, and 18, which depend therefrom.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner erred in finding that the combination of Beaudet and Tezuka discloses or suggests a detail item popping up, when the detail setting key is selected, and changing the display state of the interruption key as a result of the selecting of the detail setting key while keeping the interruption key displayed on the display section.

Appeal 2010-000007
Application 10/603,721

DECISION

We reverse the Examiner's decision rejecting claims 1-4 and 6-18 under 35 U.S.C. § 103.

REVERSED

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205